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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,963	10/19/2004	Jun Iijima	04733/LH	8469

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EXAMINER	
MEYERS, JAMES A	
ART UNIT	**PAPER NUMBER**
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,963	IIJIMA, JUN	
	Examiner	Art Unit	
	James A. Meyers	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 October 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/19/2004, 3/9/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the initial filing of October 19, 2004. Claims 1-18 are pending and have been considered below.

Drawings

1. The drawings are objected to because there appears to be a misspelling in Figure 2. The Examiner believes "CONTROLL" should be "CONTROL". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

2. Applicant is advised that should claims 7-10 be found allowable, claims 11-14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (US 2001/0026644).

Claim 1: Endo discloses an image editing device comprising:

(a) a recording unit which records image data obtained by photographing (page 1, paragraph 25);

(b) a designation unit designating an area of the image data for additional image data to be inserted (page 2, paragraph 25);

(c) a control unit which starts photographing of an image (creating means) on the basis of the designation unit (page 2, paragraph 25); and

(d) an insert unit (display means... for inserting) which inserts image data into the previously obtained image data (page 2, paragraph 25).

While Endo does not explicitly disclose that the previously obtained image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian coordinates. One would have been motivated to add the time based functions operating on moving image data to the device of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claims 7, 11 and 15: Endo discloses an image editing method and medium comprising:

(a) a designating step designating an area of image data for additional image data to be inserted (page 2, paragraph 25);

(b) a control step which starts photographing of an image (creating means) on the basis of the designation unit (page 2, paragraph 25); and

(c) an insert step (display means... for inserting) which inserts image data into the previously obtained image data (page 2, paragraph 25).

While Endo does not explicitly disclose that the previously obtained image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian coordinates. One would have been motivated to add the time based functions operating on moving image data to the method and medium of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claims 2, 8, 12 and 16: Endo discloses a device, method and medium as in Claims 1, 7, 11 and 15 above, and further discloses that the designating unit designates a plurality of arbitrary areas in the image data (page 7, paragraphs 88-93). While Endo does not explicitly disclose that the image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image

data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian coordinates. One would have been motivated to add the time based functions operating on moving image data to the device, method and medium of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claims 3, 9, 13 and 17: Endo discloses a device, method and medium as in Claims 1, 7, 11 and 15 above, and further discloses that the designation unit designates a plurality of arbitrary positions and a photographing order (page 7, paragraphs 88-94). While Endo does not explicitly disclose that the image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian

coordinates. One would have been motivated to add the time based functions operating on moving image data to the device, method and medium of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claims 4, 10, 14 and 18: Endo discloses a device, method and medium as in Claims 1, 7, 11 and 15 above, and further discloses that the photographing control unit displays an image immediately after the designated position in the image on the basis of the designation, and then starts photographing of an image (figure 3). While Endo does not explicitly disclose that the image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian coordinates. One would have been motivated to add the time based functions operating on moving image data to the device, method and medium of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claim 5: Endo discloses a device as in Claim 1 above, and further discloses that the insert unit inserts the image data obtained by photographing into the previously obtained image data on the basis of the designated position, displays the image data, and then stores the image data (figure 3). While Endo does not explicitly disclose that the image data is moving image data, the Applicant has admitted that "most models of digital cameras of this type can photograph not only still images, but also... moving images". Additionally, the Examiner notes that both moving image data and still image data contain coordinate systems (still image data containing X and Y, and moving image data containing X, Y and time). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the image data being processed by the system of Endo could be moving image data as well as still image data, and that the designated area described in Endo (page 2, paragraph 26) could be a location in time as easily as a location in Cartesian coordinates. One would have been motivated to add the time based functions operating on moving image data to the device, method and medium of Endo to allow synthesis of image data without using a personal computer (page 2, paragraph 25).

Claim 6: Endo discloses a device as in Claim 1 above, and further discloses that the image data obtained by photographing is still image data (page 2, paragraph 26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Meyers whose telephone number is 571-270-1690. The examiner can normally be reached on Mon-Fri (Alternate Fridays Off), 7:00AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/15/2006
JM

James W. Myhre
Supervisory Patent Examiner